REMARKS

Claims 1-23 are currently pending. Claims 20-23 have been allowed. Claims 5, 7, 8, 10, and 15-18 were indicated as allowable if rewritten in independent form. A clean copy of all claims is attached as Appendix A for the convenience of the Examiner.

Rejections under 35 U.S.C. § 103

Claims 1-4, 9, and 11-13 were rejected under 35 U.S.C. § 103(a) as obvious in view of WO 98/57485 (hereinafter "Nyrud") in view of Official Notice. Claims 6, 14, and 19 were rejected under 35 U.S.C. § 103(a) as obvious in view of Nyrud in combination with U.S. Patent No. 6,192,243 (hereinafter "Yang").

Applicant respectfully traverses these various bases for rejection. In responding to the rejection, Applicant only justifies the patentability of the independent claims (1, 6, 9, 19), because, as the Examiner understands, if the independent claims are non-obvious, all claims dependent thereon must necessarily also be non-obvious.

Nyrud teaches a method that enables participants on a PSTN/ISDN network to directly dial into a multiconference on LAN/WAN. In particular, Nyrud teaches allocating a range of E.164 phone numbers, each of which is assigned to a conference and is dialed by conference users to join the conference associated with that phone number. (Nyrud, p.6, line 36 to p.7, line 13). Office Notice is cited to support a practice of not assigning resource amounts more than what is being requested.

Independent Claim 1:

The Examiner contends that the term "MCU resources" in original claim 1 has been construed broadly to encompass any resource associated with (e.g. belong to or under the control of) the multipoint control unit (MCU). The Examiner argues that since Nyrud teaches allocation of telephone numbers for teleconferencing, it is concluded that Nyrud's telephone numbers are MCU resources.

To expedite the prosecution of the instant application, claim 1 has been amended to recite a method for allocating MCU ***ports*** for a multipoint network event. The present specification teaches "allocation of multipoint control unit ports .... for conferencing or other multipoint applications" (page 1, lines 4-8). "This method more efficiently utilizes MCU ports for a multipoint network event by allocating less than or equal to the maximum number of ports to start" (page 3, lines 8-10).

In light of this amendment, Applicant submits that Nyrud fails to teach or suggest all of the claim limitations. Nyrud merely discusses allocating a range of E.164 ***phone numbers***, each of which is assigned to a conference and is dialed by conference users to join the conference associated with that phone number. (Nyrud, p.6, line 36 to p.7, line 13.) Nyrud does not teach or suggest a method of allocating MCU ***ports*** for a multipoint network event as claimed herein. ***In short, a phone number is not an MCU port.*** Thus, Applicant submits that the Examiner's purported combination of Nyrud in view of Official Notice does not render claim 1 obvious because the cited references do not teach or suggest all of the limitations. *See* MPEP § 2143.

Independent Claim 9:

The Examiner essentially rejected claim 9 on the same basis as Claim 1. The Examiner contends that since the features of claims 9 and 11-13 can also be found in claims 1-4, claims 9 and 11-13 are rejected for the same reasons set forth in the rejection of claims 1-4.

Contrary to the Examiner's assertion, Applicant submits that there are limitations in claim 9 that are not recited in claims 1-4. These limitations include: obtaining available MCU capacity in a plurality of MCUs; determining based on the received allocation request whether the multipoint network event can be started; allocating the number of resources to at least one MCU; debiting the allocated resources from the available MCU capacity; and directing inbound users to the at least one MCU for participation in the multipoint network event. The Examiner has not provided any evidence that indicates the combination of Nyrud and Official Notice teaches or suggests

any of these recited limitations. Accordingly, Applicant submits that claim 9 is patentable over Nyrud in view of Official Notice.

In view of the above remarks, Applicant respectfully requests that the rejection of claim 1-4, 9, and 11-13 under 35 U.S.C. § 103(a) be withdrawn.[1]

Independent Claim 6:

As noted above, claims 6 and 19 were rejected given the combination of Nyrud and Yang. Nyrud has been discussed above. Yang teaches algorithm that provides optimum number of guard channels for any given cell in a cellular communications network by periodically measuring mobility and call traffic load parameters within that cell. (col. 2, line 57 to col. 3, line 10; see also Abstract).

Claim 6 is drawn to a method of time varying allocation of MCU ports during a multipoint network event, comprising the step of adjusting the number of allocated MCU ports based on users actually in the multipoint network event at each of a plurality of modeling intervals during the multipoint network event.

The Examiner contends that it would have been obvious to combine the teachings of Nyrud and Yang because Yang's time-varying modeling based on pre-selected time intervals would make Nyrud's resource allocation method dynamically reflecting the true usage of resources for the entire event. Applicant respectfully disagrees.

To establish a *prima facie* case of obviousness, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to

[1] As to dependent Claim 14, which is dependent on claim 9, Applicant points out that claim 9 recites limitations that are not recited in claims 1-4. These limitations include: obtaining available MCU capacity in a plurality of MCUs; determining based on the received allocation request whether the multipoint network event can be started; allocating the number of resources to at least one MCU; debiting the allocated resources from the available MCU capacity; and directing inbound users to the at least one MCU for participation in the multipoint network event. The Examiner has not provided any evidence that indicates the combination of Nyrud and Yang teaches or suggests any of these recited limitations. Accordingly, Applicant submits that claim 9 as well as claim 14 are patentable over Nyrud in view of Official Notice.

one of ordinary skill in the art, to modify the reference or to combine reference teachings. *See* MPEP § 2143. Applicant submits that Yang does not provide any suggestion or motivation to modify the reference or to combine reference teaching. Yang simply does not disclose or envision any use related to multipoint control unit (MCU) as that term is properly construed, but instead deals with a network of point-to-point connections, not multipoint network event as claimed herein. Applicant submits that the Examiner has not provided any suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings.

Moreover, even if the combination of Nyrud and Yang is assumed to be proper, the combination does not disclose or suggest all of the limitations of claim 6. As discussed above, Nyrud merely discusses allocating a range of E.164 phone numbers. (Nyrud, p.6, line 36 to p.7, line 13.) Nyrud does not teach or suggest a method of allocating ***MCU ports*** for a multipoint network event as claimed herein. Similarly, Yang does not teach or suggest anything about MCU ports whatsoever. Yang only teaches a method of optimizing the number of channels in a cell of a wireless communication system for use as "guard channels," and dynamically updates the number of guard channels as a function of time and through a dynamic review of traffic and mobility conditions in the cell. *See* Yang, Abstract. Yang does not teach or suggest any use related to allocating MCU ports for a multipoint network event as claimed herein.

Accordingly, Applicant submits that the Examiner's purported combination of Nyrud in view of Yang does not disclose or suggest the "MCU port" limitation of claim 6. Therefore, these references cannot render claim 6 unpatentable for obviousness because the combination does not disclose or suggest all of the limitations of the claim. *See* MPEP § 2143.03.

Independent Claim 19:

The Examiner contends that since the features of claim 19 can also be found in claims 1-4, 6, 9 and 11-13, claim 19 is rejected for the same reasons set forth in the rejection of claims 1-4, 9 and 11-13.

Claim 19 has been amended to recite a method of allocating ***MCU ports*** for a plurality of multipoint network events. As discussed above, neither Nyrud nor Yang teaches or suggests a method of allocating MCU ports for a multipoint network event as claimed herein. Thus, Applicant submits that the Examiner's purported combination of Nyrud and Yang does not render claim 19 obvious because the cited references do not teach or suggest all of the limitations. *See* MPEP § 2143.

In view of the above remarks, Applicant respectfully requests that the rejection of claims 6, 14, and 19 under 35 U.S.C. § 103(a) be withdrawn.

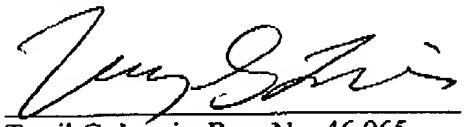
* * * * *

Applicant submits that the claims are allowable over the cited references, and respectfully requests a Notice of Allowance at the earliest possible date.

Please change the attorney docket number for this application to 199-0234US.

Should the Examiner have any questions or concerns that can be addressed via telephone, the Examiner is requested to contact either Terril G. Lewis at 832-446-2422.

Respectfully submitted,



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